

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule V1.01 Trout Stocking Permit Requirements

Newspaper Name Arkansas Democrat Gazette

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Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

V1.01 Trout Stocking Permit Requirements

A. Trout Stocking Permits may be issued by the Chief of Fisheries to applicants complying with the following requirements:

1. The applicant must be at least 18 years old and shall not have been convicted of (as defined in Code 01.00-C) for violating any federal, state, or municipal law or regulation governing wildlife or fisheries, illegal appropriation or commercialization of wildlife or fisheries, or cruelty to animals within 5 years of the application date;
2. The applicant must provide satisfactory proof of applicant's ownership of the land beneath the waters for which the permit is sought;
3. The applicant shall certify in writing that he/she is in compliance with all federal, state, and local laws or regulations and possesses all required permits or licenses;
4. The applicant shall submit a written application (available from the Commission) for each stocking to be permitted. Each application submitted shall contain the applicant's contact information; a general description and the location (including section, township, range, county) of the water(s) to be stocked; the proposed stocking date(s); the originating facility's contact information; the species, size, and number of trout and trout eggs to be stocked; and any other information requested on the application form; and
5. The applicant shall include with the application a disease-free certification for the **AGFC permitted** fish farm or other facility from which the trout or trout eggs will originate. The certification must have been issued under the guidelines ~~set forth by the American Fisheries Society Fish Health Blue Book—Procedures for the Detection and Identification of Certain Fish Pathogens (“disease free certification”)~~ in Addendum I1.00 and meet all fish health requirements.

B. The requested permit shall be denied if:

1. The applicant fails to meet any of the issuance criteria set forth in this regulation;
2. The land beneath the waters for which the permit is sought is publicly-owned or such waters constitute navigable or otherwise public waters;
3. The applicant fails to disclose material information required, or makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
4. The Commission finds, through further inquiry or investigation (including the inspection detailed below), that the issuance of the permit may be potentially harmful to the fishery resources of the state or that the stocking action is inconsistent with the Commission's management objectives for the water and the watershed to be stocked;
5. The Commission's Fisheries Pathologist disapproves the disease-free certification submitted by the applicant; or
6. The trout species for which the permit is requested is restricted or prohibited under federal or state law or Commission regulation.

C. Inspection:

1. The Fisheries Division shall inspect the waters for which the permit is sought before issuance or disapproval of the permit. Inspection will be for the purpose of

evaluating the public versus private nature of the waters, connectivity of the waters, suitability of the waters for the trout species proposed to be stocked, biosecurity of the waters and related facility (if any), opportunity for escapement of the stocked trout, potential impact of trout on aquatic resources, and likelihood of viability for trout populations outside of the proposed permitted stocking location.

2. Applicants and permittees shall allow agents of the Commission to enter and inspect the premises, including books, records or permits required to be kept, and any trout, trout eggs, or facilities kept under authority of permit at reasonable times upon request by an agent of the Commission.

D. Permit Requirements:

1. Permittee must notify the Fisheries Division in writing of the actual date of each stocking and provide a current disease-free certification at least ~~5-business~~ 21 days prior to the stocking event.
2. The stocking permit must be available at the location of any stocking.
3. Within 14 calendar days after each stocking event, the permittee must submit a report regarding the event that includes the permittee's contact information, the permit number, the waters stocked, the location (including section, township, range, county) of the stocking, the stocking date, originating facility, the species, size, and number of trout and trout eggs stocked.

E. Reporting and Record-keeping Requirements:

1. Legible records of all trout and trout egg acquisitions and dispositions, including origin, stocking dates, the waters stocked, the location (including section, township, range, county) of the stocking, and the species, size, and number of trout or trout eggs stocked, shall be kept.
2. Records shall include evidence of legal possession of all trout or trout eggs stocked under the permit, including permits, licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the trout or trout eggs were acquired.
3. Records must be retained for 5 years.

F. Permit Renewal, Transfer, Suspension And Revocation:

1. Trout Stocking Permits shall expire on December 31 each year. Permits may be reviewed and renewed following receipt and approval by the Chief of Fisheries of a permit renewal application (available from the Commission). Permit renewal applications must be submitted to the Chief of Fisheries within 60 days of permit expiration.
2. Trout Stocking Permits are not transferable.
3. Persons in violation of the terms of this permit, Commission Codes, or convicted of violating associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing and shall have 20 days to respond with just cause as to why their permit should not be suspended or revoked.
4. If after 20 days just cause has not been given, the Commission may suspend or revoke any existing permit held by the violator and may refuse to issue future

permits. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.

5. Upon revocation, permit holder must remove by legal means all trout and trout eggs within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.